

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**June 18, 2009**



**Rezoning RZ 09-12: Frank and Amy Pena**

**CASE DESCRIPTION:** a request to change the zoning classification from Agricultural - Open District (A-O) District to Commercial District (C-3)

**LOCATION:** 6.78 acres of land located at 2306 W State Highway 21 between Newton and Louis Streets in Bryan, Brazos County, Texas

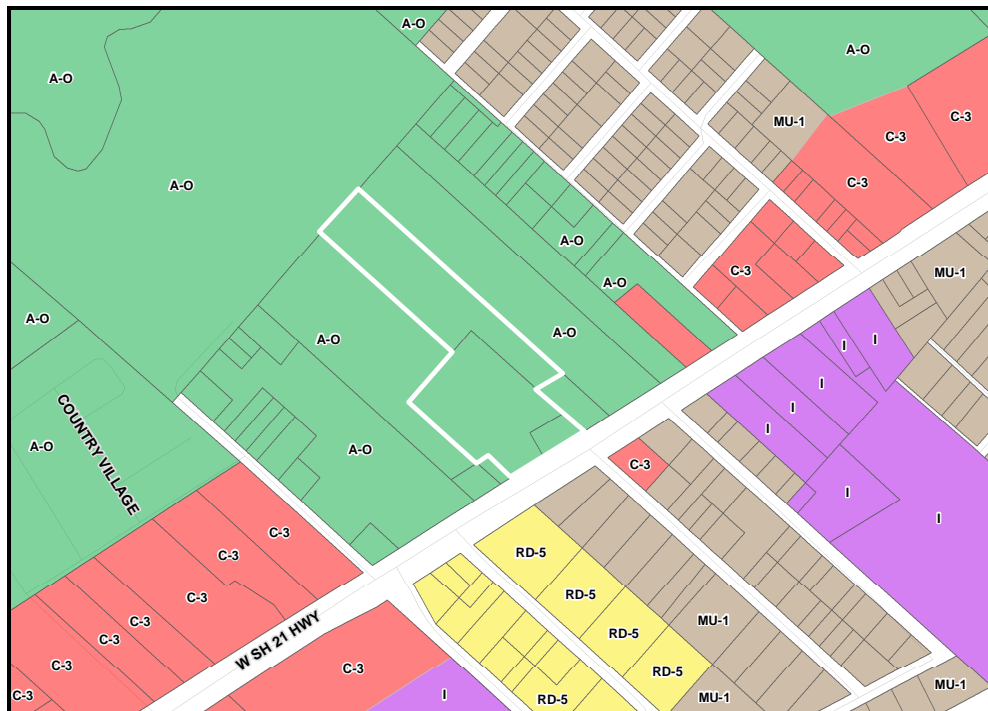
**LEGAL DESCRIPTION:** part of Lot 6, Lot 7, and part of Lot 8 in the Park Heights Addition to the City of Bryan, Brazos County, Texas.

**EXISTING LAND USE:** vacant acreage, existing manufactured home site

**APPLICANT(S):** Tom Pinones, on behalf of Frank and Amy Pena

**STAFF CONTACT:** Julie Fulgham, Project Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** C-3 zoning on all land encompassed within this request.





### **BACKGROUND:**

The applicants are requesting to rezone approximately six acres of land located on the north side of the 2300 block of West State Highway 21 from the current Agricultural – Open District (A-O), to Commercial District (C-3). The request was made to make “land improvements for development opportunities,” according to the applicant. Currently, a manufactured home is located on a portion of the property by approval of a Conditional Use Permit. If this property is rezoned to C-3 District, then the manufactured home will become a legally non-conforming use. However, the applicant has long-term commercial plans for this property and has indicated he will remove the home before such development occurs. In addition to the manufactured home, a temporary construction trailer, storage building, and vacant structure are located on the property. Before any more development may occur at this location, a formal replat of this acreage will be required.

This request is a direct result of an active code enforcement case. The owners are operating a trucking business on the subject property, which is not an allowed use under the property’s current A-O zoning. This rezoning request is a first step towards achieving compliance on the site and to continue the development of the property with a commercial enterprise.

### **COMPREHENSIVE PLAN:**

The City of Bryan adopted the Comprehensive Plan Update in 2007. The plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and

recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making its recommendation regarding this proposed zoning change:

**GOAL #1: Achieve a Balance of Land Uses within the City**

Objective A: Achieve a sustainable mix of land use types in suitable locations, densities and patterns.

Action Statement 2: Identify areas for future commercial development and preserve them with appropriate zoning

**ANALYSIS:**

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to general area and the City as a whole.

**The A-O zoning classification is intended to be a temporary zoning classification to reserve land as agricultural until such a time when development pressures necessitate a reexamination of land use regulations or until a comprehensive study of an area can be completed. Staff contends that a C-3 zoning district at this location will promote a balanced pattern of land use on West State Highway 21. Specifically, C-3 zoning on the subject property will provide the appropriate regulatory controls required for anticipated commercial uses along West State Highway 21, a roadway classified as a freeway on the City of Bryan's thoroughfare plan. Currently, several properties on the north side of West State Highway 21, and in the vicinity of the subject property, were zoned or have been rezoned to the same C-3 District the applicants are requesting for their property.**

**Staff believes that commercial use is appropriate at this location and compatible with uses on adjacent properties, in this particular case. Uses within the general area range from industrial uses such as wrecking yards to manufactured and conventional site-built single family residences. Staff believes that the same C-3 zoning classification may also be appropriate for other nearby properties which have been in commercial use, but remained zoned A-O District.**

2. Whether there is availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.

**The subject property adjoins West State Highway 21, a freeway, capable of accommodating traffic loads typically associated with commercial developments. Any issues regarding utility capacity will be addressed at the time of development.**

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

**There is currently a moderate amount of land zoned for commercial development available in this vicinity and elsewhere in the City of Bryan. There are no special circumstances for this property which would make any commercially zoned land unavailable for development, either nearby or elsewhere within the City.**

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

**Staff contends that all commercial developments are developing at a moderate and sustainable pace, in this vicinity and elsewhere in the City.**

5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

**If the proposed zoning change were approved, staff believes there to be few, if any, effects on other areas designated for similar developments.**

6. Any other factors which will substantially affect the health, safety, morals, or general welfare.

**Staff does not believe this proposed development would adversely affect health, safety, morals, or general welfare. Commercial development on the subject property is not likely to have any detrimental impacts on the appearance and value of existing properties adjacent to the site.**

#### **RECOMMENDATION:**

Staff recommends **approving** C-3 zoning as requested by the applicants.